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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PEDRO CRUZ,

Petitioner,

-against-

ROBERT ERCOLE,

Respondent.

07 Civ. 9868 (RJH)(DF)

ORDER

On January 20, 2010, Magistrate Judge Debra Freeman issued a Report and Recommendation ("Report") recommending that the Court dismiss the petition for a writ of habeas corpus of Pedro Cruz ("Petitioner") in its entirety and decline to issue a certificate of appealability. Petitioner received three extensions of time for his objections to the Report, granting him until May 1, 2010 to file his objections, but to date, the Court has not received any objections to the Report.

The district court adopts a Magistrate Judge's report and recommendation when no clear error appears on the face of the record. See Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985). The Court has reviewed the Report and finds that no clear error appears on the face of the record. Accordingly, the Court adopts the Report. The Clerk shall close this case.

SO ORDERED.

Dated: New York, New York
November 19, 2010

Richard J. Holwell
United States District Judge